

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

RHODNEY HENDERSON, et al.,

Case No. 2:21-cv-00280-JAD-NJK

Plaintiff(s),

ORDER

v.

[Docket No. 89]

ARIA RESORT & CASINO HOLDINGS,
 LLC, et al.,

Defendant(s).

Pending before the Court is an order to show cause regarding discovery efforts after the discovery cutoff. Docket No. 89. The parties filed a joint response highlighting their efforts at cooperation and at improving the lawyering environment. Docket No. 90. The Court appreciates those efforts, which are important. At the same time, counsel must be mindful that they are not permitted to relieve themselves of a court's deadline without seeking and obtaining judicial approval. Fed. R. Civ. P. 29(b). That principle is especially important when the Court has made clear in the case at bar that the deadlines are firm and need to be met. *See* Docket No. 77 at 6; *see also* Docket No. 68 at 5; Docket No. 56 at 1.¹ There is nothing inconsistent with the desire to work cooperatively and the need to obtain judicial relief from court-ordered deadlines.²

¹ With respect to the deposition scheduling, the parties now focus on the fact that the Darcy deposition was scheduled for one day after the discovery cutoff. *See* Docket No. 90 at 4. In addition, however, that deposition was vacated based on counsel's agreement to take it the next month, which admittedly impacts the case management schedule. *See* Docket No. 87 at 2. With respect to the late subpoena *duces tecum*, counsel represent that they believed the timing was appropriate based on unpublished legal authority. Docket No. 90 at 7. The Court recognizes that good faith reliance, though it disagrees with the contention that third-party discovery need not be completed by the discovery cutoff.

² The examples provided by counsel in the response to the order to show cause reflect the need for cooperation "prior to seeking Court intervention." Docket No. 90 at 5-6. The rules are not drafted so that counsel can agree to relieve themselves of court-ordered deadlines, regardless of their cooperative nature. Fed. R. Civ. P. 29(b).

1 Counsel must heed Rule 29(b) moving forward. The order to show cause is
2 **DISCHARGED.**

3 IT IS SO ORDERED.

4 Dated: May 8, 2023

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Nancy J. Koppe
United States Magistrate Judge
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